

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 177
HOUSE BILL 380

AN ACT TO AUTHORIZE THE BOARD OF ADJUSTMENT OF THE CITY OF NEW BERN TO MAKE DECISIONS CONCERNING THE ISSUANCE OF SPECIAL USE PERMITS UNDER THE CITY'S UNIFIED DEVELOPMENT ORDINANCE BY A CONCURRING THREE-FIFTHS MAJORITY VOTE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-388(e) reads as rewritten:

"(e) The concurring vote of four-fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Part, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of the ordinance. Provided, however, any decision concerning the issuance of a special use permit shall be made by the concurring vote of three-fifths of the members of the Board of Adjustment. Every decision of the board shall be subject to review by the superior court by proceedings in the nature of **certiorari**. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested."

Sec. 2. This act applies to the City of New Bern only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 17th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives